

PROB 12C (Rev. 08/18)	<u>SECOND AMENDED VIOLATION</u> REPORT PART 1: PETITION FOR SUMMONS			U. S. Probation Office Eastern District of Michigan	PACTS 30939	DATE <u>1/11/2022</u>
NAME MUHAMMAD, Cushmeer		OFFICER <u>Christina R. Wilkerson</u>		JUDGE George Caram Steeh, III		DOCKET # 09-CR-20491-01
ORIGINAL SENTENCE DATE 06/14/2010	SUPERVISION TYPE Supervised Release	CRIMINAL HISTORY CATEGORY VI	TOTAL OFFENSE LEVEL 34			
COMMENCED 05/16/2018						
EXPIRATION 05/15/2023						
ASST. U.S. ATTORNEY Andrea Hutting	DEFENSE ATTORNEY Stacey Studnicki					
REPORT PURPOSE						
<u>AMENDED VIOLATIONS TO PETITION FILED ON</u> <u>AUGUST 28, 2020</u>						
<u>Please note the amended information is underlined</u>						
ORIGINAL OFFENSE						
Count 1: 21 U.S.C. §§ 841(a)(1) and 2, Possession with Intent to Distribute 50 Grams or More of a Controlled Substance (Crack Cocaine)						
SENTENCE DISPOSITION						
Custody of the Bureau of Prisons for a term of 120 months, to be followed by a five-year term of supervised release.						
Amended Sentence: July 14, 2010, Correction of Sentence Clerical Mistake (Fed.R.Crim.P.36). Offense ended date changed. All other conditions of the original judgment remain in full force and effect.						
August 20, 2020, an Emergency Warrant issued for new criminal conduct.						
ORIGINAL SPECIAL CONDITIONS						
<ol style="list-style-type: none"> 1. The defendant shall participate in a program approved by the probation department for substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol, if necessary. 2. The defendant shall be lawfully and gainfully employed on a full-time basis, or shall be seeking such lawful, gainful employment on a full-time basis. "Full-time" is defined as 40 hours per week. In the event that the defendant has part-time employment, he shall devote the balance of such 40 hours per week to his efforts of seeking additional employment. 						
Criminal Monetary Penalty: Special Assessment \$100.00 (paid).						

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The probation officer believes that the offender has violated the following condition(s) of Supervised Release:					
VIOLATION NUMBER	NATURE OF NONCOMPLIANCE				
1	<p><u>Violation of Mandatory Condition:</u> “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”</p> <p>On July 23, 2018, a Walgreens drug store pharmacy in Taylor, Michigan, was burglarized. The burglary involved stealing medication from the pharmacy and three suspects were believed to be involved.</p> <p>Two suspects could not be identified by Taylor police. A drop of blood was found at the crime scene and pursuant to DNA testing, MUHAMMAD was identified by Taylor police on January 29, 2019.</p> <p>On October 22, 2019, the Wayne County Prosecutor authorized a two count Complaint charging MUHAMMAD with Count 1, Breaking and Entering a Building with Intent, a 10-year statutory maximum; Count 2, Larceny in a Building, a four-year statutory maximum penalty with the addition of a Habitual Offender-third offense.</p> <p><u>On January 7, 2020, a bench warrant was issued for failure to appear. He appeared on January 13, 2020, the warrant was recalled and bond reinstated. On March 9, 2020, a warrant was issued for failure to appear. On July 16, 2020, the warrant was recalled and bond reinstated. On October 19, 2020 a warrant was issued for failure to appear. On October 29, 2020, the warrant was recalled and bond reinstated.</u></p> <p><u>On November 18, 2020, MUHAMMAD pled guilty to Count 1: Breaking and Entering a Building with Intent. Count 2: Larceny in a Building was dismissed. On December 23, 2020, he was sentenced to three years probation with restitution in the amount of \$26,548.00. On September 1, 2021, a warrant was issued for failure to appear for probation. On October 26, 2021, MUHAMMAD appeared for his probation violation, the warrant was recalled and probation was continued.</u></p>				
2	<p><u>Violation of Mandatory Condition:</u> ‘THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.’</p> <p>On June 30, 2019, at approximately 12:55 a.m. deputies of the Washtenaw County Sheriff’s office attempted a traffic stop on a vehicle with expired plates. The vehicle pulled to the right shoulder and as police were halfway to the vehicle, the driver placed the vehicle into gear and fled the scene. Police activated their lights and pursued the fleeing vehicle, reaching speeds of 112 miles per hour on the highway. Police lost sight of the vehicle when it exited US 23 and were unable to locate the vehicle afterwards. MUHAMMAD was identified as the driver, however, denied any involvement in the offense.</p>				

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	<p>The vehicle was registered to MUHAMMAD's girlfriend, Erise Phelan. On the morning of June 30, 2019, Phalen was contacted by MUHAMMAD and advised the vehicle had been stolen in the early morning hours of June 30, 2019. A stolen vehicle report was then filed.</p> <p><u>On July 23, 2020, formal charges are currently pending with 22nd Judicial Circuit Court, Ann Arbor (Michigan) under docket number 20-000332-FH for Police Officer Flee-4th Degree-Vehicle. On January 31, 2022 a pretrial hearing date is scheduled.</u></p>				
3	<p>Violation of Mandatory Condition: 'THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.'</p> <p>On May 20, 2019, MUHAMMED was arrested by troopers of the Michigan State Police after a traffic stop was conducted for tinted windows. A pat search was conducted and revealed approximately two grams of cocaine and approximately \$2,800.00. MUHAMMAD attempted to discard the controlled substance by dropping it on the ground and trying to crush it with his foot.</p> <p><u>On November 12, 2019, MUHAMMAD was charged in 22nd Judicial Circuit Court, Ann Arbor (Michigan) under docket number 19-000903-F with Count 1: Controlled Substance Delivery/Manufacture Less than 50 Grams. Count 2: Police Officer – Assaulting/Resisting/Obstructing. On January 31, 2022, pretrial hearing date is scheduled.</u></p>				
4	<p>Violation of Mandatory Condition: "THE DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER AS DETERMINED BY THE COURT. REVOCATION OF SUPERVISED RELEASE IS MANDATORY FOR POSSESSION OF A CONTROLLED SUBSTANCE."</p> <p>Pursuant to a home visit conducted on May 8, 2019, MUHAMMAD tested positive for marijuana, however, denied any use. The sample was submitted to Alere Laboratories and was returned positive for marijuana.</p> <p>On July 2, 2019, MUHAMMAD reported to the probation office and tested positive for marijuana. He admitted to marijuana use the last week of May 2019.</p> <p><u>On February 22, 2020, MUHAMMAD provided a urine screen which tested positive for marijuana. Verification from Alere Laboratories confirmed the positive and indicated the specimen was diluted.</u></p>				

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5	<p>Violation of Mandatory Condition: "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL STATE OR LOCAL CRIME."</p> <p>On August 15, 2020, MUHAMMAD was arrested by the Monroe County (Michigan) Sheriff Office at 1:24 a.m. for Operating While Intoxicated. According to the report, MUHAMMAD had stopped the vehicle in the lane of travel, while his girlfriend, Erise Phelan, was looking for her wallet she threw out the window with trash she had thrown out. MUHAMMAD smelled of alcohol and failed field sobriety tests administered. Consent was given to administer a blood test. He was arrested and taken to the Monroe County (Michigan) Jail pending formal charges in this incident. He was released on August 16, 2020.</p> <p><u>On May 20, 2021, he pled guilty in 1st District Court, Monroe (Michigan) to Count 1: Operating While Impaired by Liquor and Count 2: Operating – No License/Multiple Licenses. He was sentenced to one day custody with credit for one day served with a fine.</u></p>				
6	<p>Violation of Standard Condition No. 1: "THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR PROBATION OFFICER."</p> <p>On August 15, 2020, MUHAMMAD was arrested by the Monroe County (Michigan) Sheriff Office and charged with Operating While Intoxicated. According to the report, MUHAMMAD and his girlfriend were on their way home after visiting family in Ohio. At no time did MUHAMMAD request permission to travel outside the district.</p>				
7	<p>Violation of Mandatory Condition: "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL STATE OR LOCAL CRIME."</p> <p>On August 19, 2020, at 5:36 a.m., the Sumpter Township (Michigan) Police Department was called in response to a Domestic Violence incident. The victim, Erise Phelan, and girlfriend of MUHAMMAD have been in a twelve-year dating relationship. Phelan advised that MUHAMMAD gets mean when he drinks and hits her. She reported she had been physically assaulted by the defendant when he returned home intoxicated after playing cards. The victim met police outside the residence, visibly shaken. After her two children had been safely removed from the home out of fear they would be hurt, she provided a statement to police. She stated that upon his arrival home, MUHAMMAD began yelling about her Facebook friends, accused her of cheating, then proceeded to punch her and stomp on her head. She continued that MUHAMMAD punched her in the head, grabbed her by the hair and dragged her out of their bedroom. The victim stated her eldest son witnessed the assault and attempted to intervene. The son was interviewed and stated, after witnessing MUHAMMAD punch and kick his mother in the head several times, he attempted to break up the fight. The eldest son (12 years old) attempted to break</p>				

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	<p>up the fight, and was pushed by MUHAMMAD hitting the wall, taking off layers of skin in a couple different spots. The victim had visible injuries on her upper right arm, the right side of her face and neck area, and was evaluated by paramedics on the scene; however, she refused further medical treatment. According to the victim, she went to the hospital the following day as her eyes were swelling shut.</p> <p>MUHAMMAD was arrested and charged in the 34th District Court in Romulus, Michigan, with Domestic Violence-Aggravated, case number 20-1449. He was granted a bond \$5,000.00, 10% cash bond; however, he has remained detained pursuant to the signed Federal warrant issued on August 20, 2020. <u>On April 27, 2021, the charge of Domestic Violence – Aggravated was dismissed without prejudice.</u></p>				
I declare under penalty of perjury that the foregoing is true and correct. SUPVISING PROBATION OFFICER <u>s/Christina R. Wilkerson/djl</u> 313-234-5460		DISTRIBUTION Court			
SUPVISING PROBATION OFFICER <u>s/Christina R. Wilkerson</u> 313-234-5460		PROBATION ROUTING Data Entry			
THE COURT ORDERS: <p><input checked="" type="checkbox"/> The above <u>updated information</u> as an Amendment to the Summons Petition Issued on <u>August 28, 2020</u>.</p> <p><input type="checkbox"/> Other</p> <p style="text-align: right;"><u>s/George Caram Steeh</u> United States District Judge</p> <p style="text-align: right;"><u>1/13/2022</u> Date</p>					